

1-1 By: Herrero, et al. (Senate Sponsor - Hinojosa) H.B. No. 283
 1-2 (In the Senate - Received from the House March 30, 2017;
 1-3 May 8, 2017, read first time and referred to Committee on Veteran
 1-4 Affairs & Border Security; May 16, 2017, reported favorably, as
 1-5 amended, by the following vote: Yeas 6, Nays 0; May 16, 2017, sent
 1-6 to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE AMENDMENT NO. 1 By: Lucio

1-17 Amend H.B. No. 283 (house engrossed version) by adding the
 1-18 following appropriately numbered SECTION to the bill and
 1-19 renumbering subsequent SECTIONS of the bill accordingly:
 1-20 SECTION _____. The Department of State Health Services is
 1-21 required to implement this Act only if the legislature appropriates
 1-22 money specifically for that purpose. If the legislature does not
 1-23 appropriate money specifically for that purpose, the department
 1-24 may, but is not required to, implement this Act using other
 1-25 appropriations available for that purpose.

1-26 A BILL TO BE ENTITLED
 1-27 AN ACT

1-28 relating to the creation of an open burn pit registry for certain
 1-29 service members and veterans.

1-30 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-31 SECTION 1. This Act shall be known as the Service Member and
 1-32 Veteran Open Burn Pit Registry Act.

1-33 SECTION 2. Subtitle D, Title 2, Health and Safety Code, is
 1-34 amended by adding Chapter 99 to read as follows:

1-35 CHAPTER 99. OPEN BURN PIT REGISTRY

1-36 Sec. 99.001. DEFINITIONS. In this chapter:

1-37 (1) "Airborne hazard" means an airborne environmental
 1-38 contaminant, including open burn pit smoke, oil well fire smoke,
 1-39 sand, dust, or other particles, that may cause short-term or
 1-40 long-term health effects to a person exposed to the contaminant.

1-41 (2) "Open burn pit," also known as an "open air burn
 1-42 pit," means a site used for solid waste disposal by burning the
 1-43 waste in the outdoor air without the use of a commercially
 1-44 manufactured incinerator or other equipment specifically designed
 1-45 and manufactured for burning solid waste.

1-46 (3) "Service member" means an individual who is
 1-47 currently serving in:

1-48 (A) the armed forces of the United States;

1-49 (B) an auxiliary service of one of the armed
 1-50 forces of the United States, including the National Guard; or

1-51 (C) the state military forces as defined by
 1-52 Section 431.001, Government Code.

1-53 (4) "Veteran" means an individual who has served in:

1-54 (A) the armed forces of the United States;

1-55 (B) an auxiliary service of one of the armed
 1-56 forces of the United States, including the National Guard; or

1-57 (C) the state military forces as defined by
 1-58 Section 431.001, Government Code.

1-59 Sec. 99.002. RULES; MEMORANDUM OF UNDERSTANDING. The

2-1 executive commissioner shall adopt the rules necessary to
 2-2 administer this chapter and may enter into a memorandum of
 2-3 understanding with the United States Department of Veterans Affairs
 2-4 as necessary to administer this chapter.

2-5 Sec. 99.003. OPEN BURN PIT REGISTRY. (a) For outreach,
 2-6 education, and advocacy related to exposure to open burn pit smoke
 2-7 or other airborne hazards by service members and veterans in this
 2-8 state, the department shall create and maintain an open burn pit
 2-9 registry of service members and veterans who were exposed to open
 2-10 burn pit smoke or other airborne hazards during their military
 2-11 service in:

2-12 (1) the Southwest Asia theater of operations on or
 2-13 after August 2, 1990;

2-14 (2) Operation Desert Shield or Desert Storm;

2-15 (3) Djibouti, Africa, on or after September 11, 2001;

2-16 (4) Operation Enduring Freedom, Iraqi Freedom, or New
 2-17 Dawn; or

2-18 (5) any other conflict or theater identified by the
 2-19 United States Department of Veterans Affairs.

2-20 (b) The department shall include for each entry in the open
 2-21 burn pit registry:

2-22 (1) the service member's or veteran's name, address,
 2-23 phone number, and electronic address;

2-24 (2) the location of the service member's or veteran's
 2-25 service and the period of service;

2-26 (3) any medical condition or death of the service
 2-27 member or veteran that may be related to exposure to open burn pit
 2-28 smoke or other airborne hazards; and

2-29 (4) any other information that the department or the
 2-30 United States Department of Veterans Affairs considers necessary.

2-31 (c) The department shall:

2-32 (1) share the information included in the department's
 2-33 open burn pit registry with the United States Department of
 2-34 Veterans Affairs Airborne Hazards and Open Burn Pit Registry; and

2-35 (2) electronically link the open burn pit registry
 2-36 created under this chapter with the federal registry.

2-37 Sec. 99.004. VOLUNTARY REGISTRATION. A service member or
 2-38 veteran described by Section 99.003, or a family member of that
 2-39 service member or veteran, may voluntarily register a case of
 2-40 exposure to open burn pit smoke or other airborne hazards with the
 2-41 department for inclusion in the registry.

2-42 Sec. 99.005. CONFIDENTIALITY. Entries and information
 2-43 obtained under this chapter are confidential and are not subject to
 2-44 disclosure under Chapter 552, Government Code, are not subject to
 2-45 subpoena, and may not otherwise be released or made public except as
 2-46 provided by this section or Section 99.003.

2-47 Sec. 99.006. OPEN BURN PIT INFORMATION. The department,
 2-48 with the assistance of the Texas Veterans Commission, shall develop
 2-49 and include on its Internet website information to inform service
 2-50 members, veterans, and their families about the:

2-51 (1) registration and use of the department's open burn
 2-52 pit registry and the United States Department of Veterans Affairs
 2-53 Airborne Hazards and Open Burn Pit Registry;

2-54 (2) most recent scientific developments on the health
 2-55 effects of exposure to open burn pit smoke and other airborne
 2-56 hazards and the status of any illness or condition that is presumed
 2-57 to be caused by exposure to open burn pit smoke or other airborne
 2-58 hazards as designated by the United States Department of Veterans
 2-59 Affairs;

2-60 (3) availability of any treatment offered by the
 2-61 United States Department of Veterans Affairs for an illness or
 2-62 condition that may be caused by exposure to open burn pit smoke or
 2-63 other airborne hazards;

2-64 (4) process for applying to the United States
 2-65 Department of Veterans Affairs for service-related disability
 2-66 compensation for an illness or condition that may be related to
 2-67 exposure to open burn pit smoke or other airborne hazards,
 2-68 including the methods for documenting the illness or condition; and

2-69 (5) manner of appealing to the United States

3-1 Department of Veterans Affairs an existing service-related
3-2 disability rating decision or requesting an increased
3-3 service-related disability rating based on an illness or condition
3-4 that may be related to exposure to open burn pit smoke or other
3-5 airborne hazards.

3-6 Sec. 99.007. REPORT. Not later than December 1 of each
3-7 even-numbered year following the creation of the registry, the
3-8 department shall submit a report to the appropriate standing
3-9 committees of the house of representatives and senate that
3-10 includes:

3-11 (1) an assessment of the effectiveness of collection
3-12 and maintenance of information on the health effects of exposure to
3-13 open burn pit smoke and other airborne hazards; and

3-14 (2) any recommendation to improve the collection and
3-15 maintenance of information about the health effects of exposure to
3-16 open burn pit smoke and other airborne hazards.

3-17 SECTION 3. (a) Not later than March 1, 2018, the executive
3-18 commissioner of the Health and Human Services Commission shall
3-19 adopt the rules and enter into any memorandum of understanding
3-20 necessary to administer this Act.

3-21 (b) Notwithstanding Section 99.007, Health and Safety Code,
3-22 as added by this Act, not later than December 1, 2018, the
3-23 Department of State Health Services shall submit an initial report
3-24 under that section.

3-25 SECTION 4. This Act takes effect September 1, 2017.

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